

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

JACQUELYN A. VANDEHEY, and
MICHELLE L. O'LAIRE, on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

ASSET RECOVERY SOLUTIONS, LLC, an
Illinois Limited Liability Company; VELOCITY
INVESTMENTS LLC, a New Jersey limited
liability Company; and, JOHN AND JANE
DOES NUMBERS 1 THROUGH 25,

Case No.: 1:18-cv-00144-WCG

Defendants.

**DECLARATION OF ANDREW T. THOMASSON IN SUPPORT OF
PLAINTIFFS' MOTION AND MOTION FOR CLASS CERTIFICATION**

I, Andrew T. Thomasson, of full age, hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and I am admitted to practice before the bar of this Court. My law firm, Stern•Thomasson LLP, is counsel for Plaintiffs, Jacquelyn A. Vandehey and Michelle L. O'Laire. I submit this Declaration in support of Plaintiffs' Motion for Class Certification. I am familiar with all the facts set forth herein and state them to be true based upon my own personal knowledge.

2. Stern•Thomasson LLP was formed on July 1, 2015, when Philip D. Stern, Esq. and I merged our respective solo consumer law practices. The newly formed law firm's principal practice area remains focused on representing plaintiffs in class action litigation involving various state and federal consumer protection statutes. In that regard, Stern•Thomasson LLP consists of two principals, Philip D. Stern and me; our professional experience is set forth below.

PROFESSIONAL EXPERIENCE AND QUALIFICATIONS

3. **Andrew T. Thomasson.** I received my bachelor's degree from Arkansas State University and my law degree from Thomas Jefferson School of Law, an ABA-accredited institution in San Diego, California. I was admitted to practice law in the State of New Jersey in 2013. I am also admitted to practice law before the United States Courts of Appeal for the Second, Third, Fourth, and Seventh Circuits, as well as the following United States District Courts: District of New Jersey; Northern District of Florida; Eastern and Western Districts of Michigan; District of Colorado; Northern, Southern, and Western Districts of Texas; Northern and Central Districts of Illinois; and the Eastern and Western Districts of Wisconsin.

I have remained a member in good standing and my license to practice law has never been suspended or revoked by the State of New Jersey or any court. There are no disciplinary proceedings pending against me in any jurisdiction and no discipline has previously been imposed on me in any jurisdiction.

From 2009 and continuing until 2013 when I was admitted to practice, I was employed as a law clerk at the Law Office of William F. Horn in Fresh Meadows, New York and, upon my admission to practice law I became counsel to the firm. In that regard, I worked on a variety of complex consumer class action cases including, but not limited to, all aspects of the following successful class actions in which William F. Horn was certified as class counsel: *Anderson v. Nationwide Credit, Inc.*, E.D.N.Y. Case No. 2:08-cv-01016; *Harrigan v. Receivables Performance Management, LLC*, N.D.N.Y. Case No. 8:09-cv-01351; *Gravina v. United Collection Bureau, Inc.*, E.D.N.Y. Case No. 2:09-cv-04816; *Gravina v. National Enterprise Systems, Inc.*, E.D.N.Y. Case No. 2:09-cv-02942; *Anderson v. Nationwide Credit, Inc.*, E.D.N.Y. Case No. 2:10-cv-03825; *Pawelczak v. Bureau of Collection Recovery, LLC*, N.D. Ill. Case No. 1:11-cv-01415; *Zirogiannis v. Professional Recovery Consultants, Inc.*, E.D.N.Y. Case No. 2:11-

cv-00887; *Lagana v. Stephen Einstein & Associates, P.C.*, S.D.N.Y. Case No. 1:10-cv-04456; *Corpac v. Rubin & Rothman, LLC*, E.D.N.Y. Case No. 2:10-cv-04165; *Castellano v. Global Credit & Collection Corporation*, E.D.N.Y. Case No. 2:10-cv-05898; *Cedeno v. Bureau of Collection Recovery, Inc.*, C.D. Cal. Case No. 8:10-cv-01960; *Pawelczak v. Financial Recovery Services, Inc.*, N.D. Ill. Case No. 1:11-cv-02214; *Gravina v. Weltman, Weinberg & Reis, Co., LPA*, E.D.N.Y. Case No. 2:11-cv-01161; *Krug v. Davis Davis Attorneys, P.C.*, D. NJ. Case No. 1:10-cv-04975; *Zirogiannis v. Mel S. Harris & Associates, LLC*, E.D.N.Y. Case No. 2:12-cv-00680; *Sebrow v. Fulton, Friedman & Gullace, LLP*, E.D.N.Y. Case No. 1:10-cv-05897; *Burton v. Nations Recovery Center, Inc.*, E.D.N.Y. Case No. 1:13-cv-01426; and *Steinmetz v. Shapiro, Dicaro & Barak, LLC*, E.D.N.Y. Case No. 2:12-cv-01646.

Since becoming licensed to practice law, I have been personally certified as class counsel in the following consumer class action lawsuits: *Pascal, et al. v. Steine & Associates, P.C., et al.*, U.S. District Court, E.D.N.Y. Case No. 2:12-cv-04436-JFB-WDW; *Fischer v. NCB Management Services, Inc.*, U.S. District Court, S.D.N.Y. Case No. 7:12-cv-09451-CS; *Freeman v. General Revenue Corporation*, U.S. District Court, E.D.N.Y. Case No. 1:12-cv-01406-RER; *Goldman v. Horizon Financial Management, LLC*, U.S. District Court, S.D.N.Y. Case No. 7:12-cv-07592-LMS; *Dabbas v. Alpha Recovery Corp.*, U.S. District Court, E.D.N.Y. Case No. 1:13-cv-05169-SMG; *Sabri v. E. Hope Greenberg d/b/a Law Office of E. Hope Greenberg*, U.S. District Court, E.D.N.Y. Case No. 1:13-cv-00699-FB-VMS; *Bryan v. National Enterprise Systems, Inc., et al.*, U.S. District Court, E.D.N.Y. Case No. 2:13-cv-03740-LDW-WDW; *Gillman Harris v. Midland Credit Management, Inc.*, U.S. District Court, S.D.N.Y. Case No. 1:13-cv-03125-TPG; *Graff v. United Collection Bureau, Inc.*, U.S. District Court, E.D.N.Y. Case No. 2:12-cv-02402-GRB; *Rice v. National Enterprise Systems, Inc., et al.*, U.S. District Court, E.D.N.Y. Case No. 2:13-cv-05118-LDW-ARL; *Mazzucco, et al. v. Certified Credit & Collection Bureau*, U.S. District Court,

D.N.J. Case No. 3:13-cv-07422-TJB; *Kavalin v. AmeriFinancial Solutions, LLC*, U.S. District Court, S.D. Fla. Case No. 0:13-cv-62789-DPG; *Cohen v. M.L. Zager, P.C.*, U.S. District Court, D.N.J. Case No. 2:14-cv-03143-JBC; *Manuel, et al. v. Caliber Home Loans, Inc.*, U.S. District Court, D.N.J. Case No. 2:14-cv-05233-SRC-CLW; *Babcock, et al. v. C.Tech Collections, Inc., et al.*, U.S. District Court, E.D.N.Y. Case No. 1:14-cv-03124-MDG; *Mansour v. Seas & Associates, LLC*, U.S. District Court, D.N.J. Case No. 2:14-cv-02935-SCM; *Avila v. Law Office of Gary M. Feldman, Esq.*, U.S. District Court, E.D.N.Y. Case No. 2:13-cv-07407-GRB; *Dispennett v. Frederick J. Hanna & Associates, P.C.*, U.S. District Court, W.D. Pa. Case No. 2:15-cv-00636-MPK; *Jones v. Delta Management Associates, Inc.*, U.S. District Court, E.D. Wis. Case No. 1:15-cv-00267-WCG; *Zavian v. Client Services, Inc.*, U.S. District Court, D.N.J. Case No. 2:15-cv-0682-SCM; *Kopchak v. United Resource Systems, et al.*, U.S. District Court, E.D. Pa. Case No. 5:13-cv-05884-MSG; *Kavalin v. AFNI, Inc.*, U.S. District Court, S.D. Fla. Case No. 0:15-cv-60143-BB; *Maldonado, et al. v. Raymond Meisenbacher & Sons, Esqs., P.C., et al.*, U.S. District Court, N.J.D. Case No. 3:15-cv-01845-DEA; *Gamil v. Rubin & Rothman, LLC*, U.S. District Court, E.D.N.Y. Case No. 2:15-cv-00981-ARL; *Wood v. New Century Financial Services, Inc.*, N.J. Superior Court, Docket No. MRS-L-002679-15; *Prendergast v. Certified Credit & Collection Bureau*, U.S. District Court, D.N.J. Case No. 3:15-cv-07411-TJB; *Kielbasinski v. A.R. Resources, Inc.*, U.S. District Court, W.D. Pa. Case No. 3:15-cv-00066-KRG; *Rittle v. Premium Receivables, LLC*, U.S. District Court, M.D. Pa. Case No. 1:15-cv-00166-SHR; *Specht v. Eastern Account System of Connecticut, Inc.*, U.S. District Court, S.D.N.Y. Case No. 7:15-cv-02159-PED; *Gadime v. NRA Group, LLC*, U.S. District Court, E.D.N.Y. Case No. 2:15-cv-04841-SJF-AKT; *Hayes v. Convergent Healthcare Recoveries, Inc.*, U.S. District Court, C.D. Ill. Case No. 1:14-cv-01467-JES-JEH; *Maldonado, et al. v. Nelson, Watson & Associates, et al.*, U.S. District Court, D.N.J. Case No. 2:15-cv-05940-MAH; *Sandoval v. LVNV Funding LLC, et al.*

al., U.S. District Court, D.N.J. Case No. 2:15-cv-06728-KM-MAH; *Chung v. CCB Credit Services, Inc.*, U.S. District Court, D.N.J. Case No. 2:15-cv-05198-KM-MAH; *Wood v. Credit Control, LLC*, U.S. District Court, D. Kan. Case No. 6:16-cv-01098-KGG; *Feliciano, et al. v. Forster, Garbus & Garbus*, U.S. District Court, D.N.J. Case No. 2:15-cv-02496-CLW; *Maldonado, et al. v. Law Offices of Faloni & Associates, LLC*, U.S. District Court, D.N.J. Case No. 2:15-cv-02859-CLW; *Dickon v. Rubin & Rothman, LLC*, U.S. District Court, D.N.J. Case No. 2:15-cv-7961-SCM; *Williams v. Pressler and Pressler, LLP*, U.S. District Court, D.N.J. Case No. 2:11-cv-07296-KSH-CLW; *Bell v. Adler Wallach & Associates, Inc., et al.*, U.S. District Court, W.D. Tex. Case No. 5:16-cv-00366-OLG; *Thomas v. ARS National Services, Inc.*, U.S. District Court, D.N.J. Case No. 2:15-cv-03635-JAD; *Ballaj v. Gatestone & Co. International, Inc.*, U.S. District Court, D.N.J. Case No. 2:16-cv-01311-CLW; *Safranski v. Professional Placement Services, LLC*, U.S. District Court, E.D. Wis. Case No. 1:17-cv-00129-WCG; *Smith v. Simm Associates, Inc.*, U.S. District Court, E.D. Wis. Case No. 1:17-cv-00769-WCG; *Heerema v. AFNI, Inc.*, D.N.J. Case No. 2:16-cv-00244-JBC; and *Zirogiannis v. National Recovery Agency, Inc.*, U.S. District Court, E.D.N.Y. Case No. 2:14-cv-03954-DRH-AYS.

Since 2009, I have also been a member in good standing of the National Association of Consumer Advocates (“NACA”), a non-profit association of attorneys and consumer advocates committed to representing consumers’ interests. I regularly attend conferences and symposiums conducted by NACA and the National Consumer Law Center covering a variety of Continuing Legal Education topics, including, but not limited to, the Fair Debt Collection Practices Act (FDCPA), the Truth In Lending Act, the Real Estate Settlement Procedures Act, and various other federal and state consumer protection statutes, professional responsibility, and, in particular, class action litigation involving consumer protection statutes. In that regard, I have also been a presenter for Continuing Legal Education programs on issues related to consumer

debt collection.

4. **Philip D. Stern** received his bachelor's degree from the University of Pennsylvania and graduated the Benjamin N. Cardozo School of Law. He was admitted to practice before the State and Federal Courts in New Jersey on December 20, 1984. He is also admitted in the District of Columbia, the United States Courts of Appeals for the Second, Third, Seventh, and Ninth Circuits, and the United States District Courts for the Western District of New York and the Eastern District of Wisconsin.

From September 1984 through January 1995, he worked for two law firms focusing on business-oriented litigation, including employment, environmental, land use, non-consumer collections and matters involving the enforcement of contracts. At the latter of those two firms, Stern, Dubrow & Marcus, P.C., he worked closely with Morris Stern, the late Bankruptcy Judge in the District of New Jersey. Despite their common last names, Judge Stern and Mr. Stern have no familial relationship. Much of Mr. Stern's work involved pleadings, motions, trials and appeals.

In February 1995, Mr. Stern went into solo practice and in January 2007, he became counsel to Wacks & Hartmann, LLC, Morristown, New Jersey. In January 2009, he returned to his solo practice until July 1, 2015, when Stern•Thomasson LLP was formed.

In 1994, Mr. Stern taught Appellate Advocacy as an adjunct professor at Seton Hall Law School and, since October 2011, he has taught two CLE classes each year offered through Legal Services of New Jersey relating to debt collection and the Fair Debt Collection Practices Act. He also presented at the 2012 Advanced Fair Debt Collection Practices Conference sponsored by the National Consumer Law Center.

During his career, Mr. Stern has tried numerous bench and jury trials and has handled several appeals before the New Jersey Appellate Division as well as before the Second, Third,

and Ninth U.S. Circuit Courts of Appeals. Many of the non-consumer cases he handled involved complex litigation in both state and federal court involving sophisticated commercial real estate financing, large-scale construction disputes, title insurance claims, bankruptcy, and zoning.

Mr. Stern is experienced in cases involving complex litigation including claims arising under the FDCPA and the pursuit of those claims in class action cases. He has been certified as class counsel in the following matters: *Anderson v. Rubin & Rothman, LLC*, Case 2:07-cv-03375 (E.D.N.Y., Hon. Sandra J. Feuerstein); *Anderson v. Nationwide Credit, Inc.*, Case 2:08-cv-01016 (E.D.N.Y., Hon. Leonard D. Wexler); *Gravina v. Client Services, Inc.*, Case 2:08-cv-03634, (E.D.N.Y., Hon. Leonard D. Wexler); *Seraji v. Capital Management Services, LP*, Case 1:09-cv-00767 (D.N.J., Hon. Douglas Arpert); *Krug v. Forster, Garbus & Garbus*, Case 2:08-cv-03504 (D.N.J., Hon Michael A. Shipp); *Williams v. Palisades Collection, LLC*, Docket BER-L-001604-11 (N.J.Super., Hon. Robert C. Wilson); *Krug v. Brachfeld*, Docket GLO-000419-11 (N.J.Super., Hon. Eugene J. McCaffrey, Jr.); *Nicholas v. CMRE Financial Services, Inc.*, Docket BER-L-4336-11 (N.J.Super., John J. Langan, Jr.); *Krug v. Focus Receivables Management, LLC*, Docket BER-L-4337-11 (N.J.Super., John J. Langan, Jr.); *Thomas Williams v. The CBE Group, Inc.*, Case 2:11-cv-03680-PS (D.N.J., Hon. Patty Shwartz); *Natalie A. Williams v. Pressler and Pressler, LLP*, Case 2:11-cv-07296-KSH-CLW (D.N.J., Hon. Katharine S. Hayden); *Weissman v. Gutworth*, Case 2:14-cv-00666-WHW-CLW (D.N.J., Hon. William H. Walls); *Irizarry v. Member Solutions, Inc., et al.*, Case 2:14-cv-00628-MCA-MAH (D.N.J., Hon. Madeline C. Arleo); *Mansor v. Seas & Associates, LLC*, Case 2:14-cv-02935-SCM (D.N.J., Hon. Steven C. Mannion); *Jones v. Delta Management Associates, Inc.*, Case 1:15-cv-00267-WCG (E.D. Wis., Hon. William C. Griesbach); *Zavian v. Client Services, Inc.*, Case 2:15-cv-0682-SCM (D.N.J., Hon. Steven M. Mannion); *Maldonado, et al. v. Raymond Meisenbacher & Sons, Esqs., P.C., et al.*, Case 3:15-cv-01845-DEA (D.N.J., Hon. Douglas E. Arpert); *Wood v. New Century Financial*

Services, Inc., Docket MRS-L-002679-15 (N.J.Super., David H. Ironson); *Prendergast v. Certified Credit & Collection Bureau*, Case 3:15-cv-07411-TJB (D.N.J., Hon. Tonianne J. Bongiovanni); *Kielbasinski v. A.R. Resources, Inc.*, Case 3:15-cv-00066-KRG (W.D. Pa., Hon. Kim R. Gibson); *Rittle v. Premium Receivables, LLC*, Case 1:15-cv-00166-SHR (M.D. Pa., Hon. Sylvia H. Rambo); and *Specht v. Eastern Account System of Connecticut, Inc.*, Case 7:15-cv-02159-PED (S.D.N.Y., Hon. Paul E. Davison); *Gadime v. NRA Group, LLC*, Case No. 2:15-cv-04841-SJF-AKT (E.D.N.Y., Hon. Sandra J. Feuerstein); *Maldonado, et al. v. Nelson, Watson & Associates, et al.*, Case 2:15-cv-05940-MAH (D.N.J., Hon. Michael A. Hammer); *Sandoval v. LVNV Funding LLC, et al.*, Case 2:15-cv-06728-KM-MAH (D.N.J., Hon. Kevin McNulty); *Chung v. CCB Credit Services, Inc.*, Case 2:15-cv-05198-KM-MAH (D.N.J., Hon. Kevin McNulty); *Wood v. Credit Control, LLC*, Case 6:16-cv-01098-KGG (D.Kan., Hon. Kenneth G. Gale); *Feliciano, et al. v. Forster, Garbus & Garbus*, Case 2:15-cv-02496-CLW (D.N.J., Hon. Cathy L. Waldor); *Maldonado, et al. v. Law Offices of Faloni & Associates, LLC*, Case 2:15-cv-02859-CLW (D.N.J., Hon. Cathy L. Waldor); *Dickon v. Rubin & Rothman, LLC*, Case 2:15-cv-7961-SCM (D.N.J., Hon. Steven M. Mannion); *Bell v. Adler Wallach & Associates, Inc., et al.*, Case 5:16-cv-00366-OLG (W.D. Tex., Hon. Orlando L. Garcia); *Thomas v. ARS National Services, Inc.*, Case 2:15-cv-03635-JAD (D.N.J., Hon. Joseph A. Dickson); *Gatestone & Co. International, Inc.*, Case 2:16-cv-01311-CLW (D.N.J., Hon. Cathy L. Waldor); *Safranski v. Professional Placement Services, LLC*, Case 1:17-cv-00129-WCG (E.D. Wis., Hon. William C. Griesbach); *Smith v. Simm Associates, Inc.*, Case 1:17-cv-00769-WCG (E.D. Wis., Hon. William C. Griesbach); and *Heerema v. AFNI, Inc.*, Case 2:16-cv-00244-JBC (D.N.J., Hon. James B. Clark III).

Mr. Stern has never been the subject of an ethics complaint or sued on a malpractice claim. He has never been charged with violating Fed. R. Civ. P. 11 and, as Martindale-Hubbell

has rated him, he has had a rating of AV or, after its introduction, AV Preeminent—its highest—with a peer rating of 5.0 out of 5.0.

Mr. Stern is a member of the New Jersey State Bar Association and the Essex County Bar Association, a member of the New Jersey State Bar's Consumer Protection Law Committee, and a member of the National Association of Consumer Advocates.

* * *

5. Stern•Thomasson LLP regularly litigates class action lawsuits throughout the United States where it has been retained to represent plaintiffs. Many of those cases have either been resolved on a class basis and are awaiting preliminary approval or have fully briefed contested motions for class certification and await a court's ruling. Our law firm has several favorable decisions from various United States District Courts and Appeals Courts.

6. Stern•Thomasson LLP has the financial and other resources to see this case through to its conclusion. Indeed, since the outcome of this litigation, my law firm has devoted, and continues to devote, significant time, money, and other resources to pursuing the Plaintiff's individual and class claims.

RELEVANT FACTS OBTAINED IN DISCOVERY

7. On April 14, 2018, Plaintiffs served Defendants, Asset Recovery Solutions, LLC and Velocity Investments LLC, with their First Sets of Interrogatories and Requests for Production of Documents.

8. On April 14, 2018, Plaintiffs also served Asset Recovery Solutions, LLC with their First Set of Requests for Admission. Attached as ***Exhibit 1*** is a true and correct copy of Defendant, Asset Recovery Solution, LLC's Responses to Plaintiffs' First Set of Requests for Admission dated May 14, 2018.

9. On March 20, 2018, I spoke by telephone with one of Defendants' attorneys, Lauren H. Cooper, who had contacted me to discuss the possibility of settlement. During that conversation, Ms. Cooper informed me Defendants had researched their business records and determined there are exactly 104 persons in the class defined in Plaintiffs' Complaint [Doc. 1, ¶54]. Attached as ***Exhibit 2*** is a true and correct copy of a March 29, 2018 e-mail exchange between Ms. Cooper and me confirming there are 104 Class members in this lawsuit.

10. The Plaintiffs have no conflicting interests with the putative class members. Plaintiffs have no familial relationship to me, Mr. Stern, or anyone employed by our firm

In accordance with 28 U.S.C. §1746, I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 4th day of June 2018.

s/ Andrew T. Thomasson

Andrew T. Thomasson (NJ Bar # 048362011)
STERN•THOMASSON LLP
150 Morris Avenue, 2nd Floor
Springfield, NJ 07081-1315
Telephone: (973) 379-7500
Facsimile: (973) 532-5868
E-Mail: andrew@sternthomasson.com

Attorney for Plaintiffs, Jacquelyn A. Vandehey, and Michelle L. O'Laire